

# EXHIBIT B



Akil Tirana <dmvtestprep@gmail.com>

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## FOIA Request

3 messages

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**Akil Tirana** <dmvtestprep@gmail.com>  
To: Edward O'Connell <edward.o'connell@usdoj.gov>

Tue, Sep 24, 2019 at 11:09 AM

Mr. O'Connell,  
I'm writing this email following our FOIA request regarding documents your office has in the case of Victim, Carlos Samuel Orellana Rodriguez who passed away last year in DC following a car accident on March 25, 2018.

We filed a Written Foia request with your office on August 15, 2019 and there is still no response from your office.

We spoke over the phone twice about this Foia request and still no release of the documents requested.

If I don't receive a response by you I'll consider it a denial of our foia request and proceed to file a Complaint for Injunctive Relief in US District Court for the District of Columbia asking for relief and all the other related administrative and attorney's fees associated with this complaint. Time is off the essence.

I can be reached at 202-491-5042 to schedule a meeting to make a copy of all the documents requested in our August 15, 2019 Foia request.

Sincerely,  
Akil Tirana

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**Akil Tirana** <dmvtestprep@gmail.com>  
To: Edward O'Connell <edward.o'connell@usdoj.gov>, MRUFOIA.Requests@usdoj.gov

Tue, Sep 24, 2019 at 10:32 PM

Mr. O'Connell,  
I am kindly enclosing our FOIA request filed with US State's Attorney Office (USAO) on August 15, 2019. It was personally delivered to USAO mail room as the security would not allow me to personally deliver it to your office.  
It is emailed to FOIA DOJ Office as well!  
Looking forward to hearing from you!  
Akil Tirana  
(202) 491-5042  
[Quoted text hidden]

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**FOIA Request.pdf**  
1114K

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**O'Connell, Edward (USADC)** <Edward.O'Connell@usdoj.gov>  
To: Akil Tirana <dmvtestprep@gmail.com>

Wed, Sep 25, 2019 at 9:05 AM

Got it thanks. I will endeavor to forward this to DOJ .

*Edward A. O'Connell*

*Assistant United States Attorney*

*United States Attorney's Office for the District of Columbia*

**555 Fourth Street NW**

*Homicide Section - Room 9444*

*Washington, DC 20530*

*Desk: (202) 252-7420*

*Cell: (202) 815-9006*

**Edward.O'Connell@usdoj.gov**

[Quoted text hidden]

U.S. MAIL  
U.S. ATTORNEY'S OFFICE  
U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA

August 14, 2019

Edward A. O'Connell  
Assistant United States Attorney at  
United States Attorney's Office  
555 4<sup>th</sup> Street NW  
Washington, D.C. 20530

RE: Request for Production of all documents pertaining to a car accident dated March 25, 2018 in Washington, D.C (Civil Action No. 2019 CA 000089 B).

Dear Mr. O'Connell,

This office is representing Carlos Samuel Rodriguez Orellana's heirs in their lawsuit against the defendant, Joseph Harrell that happened on March 25, 2018 in Washington, D.C.

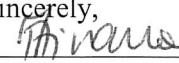
Metropolitan Police Department (MPD) denied our FOIA Request No. 2019-FOIA-05533 on August 13, 2019. We do not agree with this negative FOIA Decision. A copy of this denial notice is enclosed for your kind perusal.

MPD is not participating in any capacity in this case. This request is very important for the pending civil case and it will help clarify key circumstances pertaining to this tragic accident that led to Mr. Orellana's death. In this context, we are kindly asking your office to provide in due time the following:

- Any police report prepared following the occurrence.
- Any "Total Station" reports that may have been prepared following the occurrence;
- Any other reports that may have been prepared by MPD in the course of their duties in investigating this accident such as Collision Analysis and Reconstruction Reports.
- Any pictures taken during and after the occurrence such as pictures of accident scene, car involved in the occurrence, pictures of the victim, driver or any other person that may have been present during the occurrence.
- Any street camera footage available to your department regarding this occurrence.
- Detailed statements of any person involved in this occurrence as well as statements of any eyewitnesses following the accident.
- Copies of any toxicology and alcohol tests that may have been performed on the victim and/or driver of the car involved in the accident taken right after accident or thereafter.
- Any and all the other information pertaining to this accident not specifically referred to above.

Time is off the essence. We are in time crunch as we strive to comply with court-imposed discovery deadlines. We need this information to comply with discovery requests of the opposing counsel and prepare for the upcoming trial taking place at DC Superior Court. Therefore, your prompt attention to this matter is highly appreciated. Please do not hesitate to contact me if more information is needed.

Sincerely,

  
Akil Tirana, Esq.  
313 N Glebe Road, Suite 202-A  
Arlington, VA 22203  
Tel: (202) 491-5042  
E-mail: [dmvtestprep@gmail.com](mailto:dmvtestprep@gmail.com)



GOVERNMENT OF THE DISTRICT OF COLUMBIA  
METROPOLITAN POLICE DEPARTMENT

RECEIVED MAIL  
THE MAYOR'S OFFICE  
THE DISTRICT OF COLUMBIA

August 13, 2019

*Sent Via E-Mail*

Akil Tirana, Esq.  
313 N Glebe Road, Suite 202-A  
Arlington, VA 22203  
[dmvtestprep@gmail.com](mailto:dmvtestprep@gmail.com)

**Re: FOIA Request No.: 2019-FOIA-05533**

Dear Mr. Tirana:

This is in response to your Freedom of Information Act (FOIA) request, in which you requested the following:

*Requesting street camera footage of a car accident that occurred on March 25, 2018 at approximately 2:46am at 3800 block of 14th Street, heading westbound when he was struck by the driver south bound on the 15th street nw. The victim was transported to Med Star for medical treatment passed away on April 6, 2018.*

Your request was considered; however, cannot be granted. It was determined the record you are seeking is a part of an ongoing criminal investigation. The release of records could interfere with enforcement proceedings by revealing the direction and pace of the investigation. It could lead to attempts to destroy or alter evidence, reveal information about potential witnesses who could then be subjected to intimidation as part of an effort to frustrate future investigative activities, or could place witnesses in danger. For these reasons they are exempt from disclosure pursuant to DC Official Code §2-534 (a)(3)(A)(i), (a)(3)(B) and (a)(3)(C).

Please know that, under D.C. Official Code § 2-537 and 1 DCMR § 412, you have the right to appeal this letter to the Mayor or to the Superior Court of the District of Columbia. If you elect to appeal to the Mayor, your appeal must be in writing and contain “Freedom of Information Act Appeal” or “FOIA Appeal” in the subject line of the letter, as well as, on the outside of the envelope. The appeal must include (1) a copy of the original request; (2) a copy of any written denial; (3) a statement of the circumstances, reasons, and/or arguments advanced in support of disclosure; and (4) a daytime telephone number, an e-mail and/or U.S. mailing address at which you can be reached. The appeal must be mailed to: The Mayor’s Office of Legal Counsel, FOIA Appeal, 1350 Pennsylvania Avenue, N.W., Suite 407, Washington, D.C. 20004. An electronic version of the same information can instead be e-mailed to The Mayor’s Office of Legal Counsel at [foia.appeals@dc.gov](mailto:foia.appeals@dc.gov). Further, a copy of all appeal materials must be forwarded to the Freedom of Information Officer of the involved agency, or to the agency head of that agency, if there is no designated Freedom of Information Officer there.

Akil Tirana  
FOIA Request No.: 2019-FOIA-05533  
Page 2

Failure to follow these administrative steps will result in delay in the processing and commencement of a response to your appeal to the Mayor.

Kind Regards,

*Clairessa D. Atkinson*

Clairessa D. Atkinson, MA  
FOIA Specialist  
Freedom of Information Act (FOIA) Office  
Metropolitan Police Department  
300 Indiana Avenue, NW Room #4153  
Washington, DC 20001  
(202) 727-3721  
[Clairessa.atkinson2@dc.gov](mailto:Clairessa.atkinson2@dc.gov)

“We are here to help”



Akil Tirana <dmvtestprep@gmail.com>

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## FOIA Appeal - 2019 FOIA 05533

2 messages

Akil Tirana <dmvtestprep@gmail.com>  
To: foia.appeals@dc.gov

Sun, Aug 25, 2019 at 10:23 PM

Dear FOIA Appeals Officer,

This office is representing Carlos Samuel Rodriguez Orellana's heirs in a pending lawsuit against the defendant, Joseph Harrell. (Civil Action No. 2019 CA 000089 B).

As Part of the ongoing discovery we have mailed your office an Appeal Request and enclosed paperwork on August 19, 2019 expressing our disagreement with the Metropolitan Police Department Decision to deny our FOIA request.

We are following up to make sure your office has received this FOA appeal & paperwork which were are kindly attaching to this email for your kind perusal.

In addition, We also hand delivered on August 15, 2019 a request to United States Attorney's Office District of Columbia to release all the information they have on file to allow us to get the information we need to properly complete court-ordered discovery and prepare for trial. We are enclosing a copy of this Request to the United States Attorney's Office. We are still waiting to get a response from them. I would like your FOIA Appeals Office assistance so that the United States Attorney's Office can release all the information as soon as possible.

Looking forward to hearing from you!

Akil Tirana, Esq.  
(202) 491-5042

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FOIA Appeal.pdf  
1350K

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Appeals, Foia (EOM) <Foia.Appeals@dc.gov>  
To: Akil Tirana <dmvtestprep@gmail.com>

Mon, Aug 26, 2019 at 2:10 PM

Good afternoon,

Your appeal was docketed as FOIA Appeal 2019-205, on August 22, 2019. MPD has been asked by this Office to respond to your appeal.

Sincerely,

Mayor's Office of Legal Counsel (MOLC)

1350 Pennsylvania Avenue, N.W.

Suite 407

Washington, D.C. 20004

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**From:** Akil Tirana [mailto:[dmvtestprep@gmail.com](mailto:dmvtestprep@gmail.com)]

**Sent:** Sunday, August 25, 2019 10:24 PM

**To:** Appeals, Foia (EOM)

**Subject:** FOIA Appeal - 2019 FOIA 05533

**CAUTION:** This email originated from outside of the DC Government. Do not click on links or open attachments unless you recognize the sender and know that the content is safe. If you believe that this email is suspicious, please forward to [phishing@dc.gov](mailto:phishing@dc.gov) for additional analysis by OCTO Security Operations Center (SOC).

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